

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEZMIJE DEMIROVIC :

v. :

BUILDING SERVICE 32B-J PENSION FUND :
and THE BOARD OF TRUSTEES OF THE :
BUILDING SERVICE 32B-J PENSION FUND :
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NOTICE OF MOTION
FOR SUMMARY JUDGMENT

Docket No. 05-CV-2605
(AKH)(KNF)

PLEASE TAKE NOTICE, that upon the Affidavit of Frank Smith, the exhibits annexed thereto, and the accompanying memorandum of law, and upon all proceedings previously had herein, the Defendant, Building Service 32BJ Pension Fund and the Board of Trustees of the Building Service 32B-J Pension Fund, by their attorneys, Raab, Sturm & Goldman, LLP, will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, for an order granting summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, dismissing this action in its entirety on the grounds that Plaintiff is unable, as a matter of law, to set forth a valid *prima facie* cause of action against Defendant.

PLEASE TAKE FURTHER NOTICE that answering and reply papers are to be filed in accordance with the Court's scheduling order.

Dated: New York, New York
September 16, 2005

RAAB, STURM & GOLDMAN, LLP

By: Michael Geffner
Michael Geffner (MG-6785)
Attorneys for Defendant
330 Madison Avenue, Suite 2010
New York, New York 10017
Tel.: (212) 683-6699
Fax: (212) 779-8596

To: Aba Heiman, Esq.
Fusco, Brandenstein & Rada, P.C.
Attorneys for Plaintiff
180 Froehlich Farm Blvd.
Woodbury, New York 11797